



General Assembly

February Session, 2012

***Raised Bill No. 5384***

LCO No. 655

\*00655\_\_\_\_\_ET\_\*

Referred to Committee on Energy and Technology

Introduced by:  
(ET)

***AN ACT CONCERNING THE DEFINITION OF TERMS AND MINOR  
REVISIONS IN THE ENERGY, TECHNOLOGY AND UTILITY  
STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 16-1 of the 2012 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 [(a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a  
5 and 245b shall be construed as follows, unless another meaning is  
6 expressed or is clearly apparent from the language or context:

7 (1) "Authority" means the Public Utilities Regulatory Authority and  
8 "department" means the Department of Energy and Environmental  
9 Protection;

10 (2) "Director" means a member of said authority;

11 (3) "Commissioner of Transportation" means the Commissioner of  
12 Transportation appointed under section 13b-3;

13       (4) "Public service company" includes electric, electric distribution,  
14 gas, telephone, telegraph, pipeline, sewage, water and community  
15 antenna television companies and holders of a certificate of cable  
16 franchise authority, owning, leasing, maintaining, operating,  
17 managing or controlling plants or parts of plants or equipment, and all  
18 express companies having special privileges on railroads within this  
19 state, but shall not include telegraph company functions concerning  
20 intrastate money order service, towns, cities, boroughs, any municipal  
21 corporation or department thereof, whether separately incorporated or  
22 not, a private power producer, as defined in section 16-243b, or an  
23 exempt wholesale generator, as defined in 15 USC 79z-5a;

24       (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,  
25 poles, wires and other fixed or stationary construction and equipment,  
26 wherever located, used in the conduct of the business of the company;

27       (6) "Railroad company" includes every person owning, leasing,  
28 maintaining, operating, managing or controlling any railroad, or any  
29 cars or other equipment employed thereon or in connection therewith,  
30 for public or general use within this state;

31       (7) "Street railway company" includes every person owning, leasing,  
32 maintaining, operating, managing or controlling any street railway, or  
33 any cars or other equipment employed thereon or in connection  
34 therewith, for public or general use within this state;

35       (8) "Electric company" includes, until an electric company has been  
36 unbundled in accordance with the provisions of section 16-244e, every  
37 person owning, leasing, maintaining, operating, managing or  
38 controlling poles, wires, conduits or other fixtures, along public  
39 highways or streets, for the transmission or distribution of electric  
40 current for sale for light, heat or power within this state, or engaged in  
41 generating electricity to be so transmitted or distributed for such  
42 purpose, but shall not include (A) a private power producer, as  
43 defined in section 16-243b, (B) an exempt wholesale generator, as  
44 defined in 15 USC 79z-5a, (C) a municipal electric utility established

45 under chapter 101, (D) a municipal electric energy cooperative  
46 established under chapter 101a, (E) an electric cooperative established  
47 under chapter 597, or (F) any other electric utility owned, leased,  
48 maintained, operated, managed or controlled by any unit of local  
49 government under any general statute or any public or special act;

50 (9) "Gas company" includes every person owning, leasing,  
51 maintaining, operating, managing or controlling mains, pipes or other  
52 fixtures, in public highways or streets, for the transmission or  
53 distribution of gas for sale for heat or power within this state, or  
54 engaged in the manufacture of gas to be so transmitted or distributed  
55 for such purpose, but shall not include a person manufacturing gas  
56 through the use of a biomass gasification plant provided such person  
57 does not own, lease, maintain, operate, manage or control mains, pipes  
58 or other fixtures in public highways or streets, a municipal gas utility  
59 established under chapter 101 or any other gas utility owned, leased,  
60 maintained, operated, managed or controlled by any unit of local  
61 government under any general statute or any public or special act;

62 (10) "Water company" includes every person owning, leasing,  
63 maintaining, operating, managing or controlling any pond, lake,  
64 reservoir, stream, well or distributing plant or system employed for  
65 the purpose of supplying water to fifty or more consumers. A water  
66 company does not include homeowners, condominium associations  
67 providing water only to their members, homeowners associations  
68 providing water to customers at least eighty per cent of whom are  
69 members of such associations, a municipal waterworks system  
70 established under chapter 102, a district, metropolitan district,  
71 municipal district or special services district established under chapter  
72 105, chapter 105a or any other general statute or any public or special  
73 act which is authorized to supply water, or any other waterworks  
74 system owned, leased, maintained, operated, managed or controlled  
75 by any unit of local government under any general statute or any  
76 public or special act;

77 (11) "Consumer" means any private dwelling, boardinghouse,  
78 apartment, store, office building, institution, mechanical or  
79 manufacturing establishment or other place of business or industry to  
80 which water is supplied by a water company;

81 (12) "Sewage company" includes every person owning, leasing,  
82 maintaining, operating, managing or controlling, for general use in any  
83 town, city or borough, or portion thereof, in this state, sewage disposal  
84 facilities which discharge treated effluent into any waterway of this  
85 state;

86 (13) "Pipeline company" includes every person owning, leasing,  
87 maintaining, operating, managing or controlling mains, pipes or other  
88 fixtures through, over, across or under any public land, water,  
89 parkways, highways, parks or public grounds for the transportation,  
90 transmission or distribution of petroleum products for hire within this  
91 state;

92 (14) "Community antenna television company" includes every  
93 person owning, leasing, maintaining, operating, managing or  
94 controlling a community antenna television system, in, under or over  
95 any public street or highway, for the purpose of providing community  
96 antenna television service for hire and shall include any municipality  
97 which owns or operates one or more plants for the manufacture or  
98 distribution of electricity pursuant to section 7-213 or any special act  
99 and seeks to obtain or obtains a certificate of public convenience and  
100 necessity to construct or operate a community antenna television  
101 system pursuant to section 16-331 or a certificate of cable franchise  
102 authority pursuant to section 16-331q. "Community antenna television  
103 company" does not include a certified competitive video service  
104 provider;

105 (15) "Community antenna television service" means (A) the one-way  
106 transmission to subscribers of video programming or information that  
107 a community antenna television company makes available to all  
108 subscribers generally, and subscriber interaction, if any, which is

109 required for the selection of such video programming or information,  
110 and (B) noncable communications service. "Community antenna  
111 television service" does not include video service provided by a  
112 certified competitive video service provider;

113 (16) "Community antenna television system" means a facility,  
114 consisting of a set of closed transmission paths and associated signal  
115 generation, reception and control equipment that is designed to  
116 provide community antenna television service which includes video  
117 programming and which is provided in, under or over any public  
118 street or highway, for hire, to multiple subscribers within a franchise,  
119 but such term does not include (A) a facility that serves only to  
120 retransmit the television signals of one or more television broadcast  
121 stations; (B) a facility that serves only subscribers in one or more  
122 multiple unit dwellings under common ownership, control or  
123 management, unless such facility is located in, under or over a public  
124 street or highway; (C) a facility of a common carrier which is subject, in  
125 whole or in part, to the provisions of Subchapter II of Chapter 5 of the  
126 Communications Act of 1934, 47 USC 201 et seq., as amended, except  
127 that such facility shall be considered a community antenna television  
128 system and the carrier shall be considered a public service company to  
129 the extent such facility is used in the transmission of video  
130 programming directly to subscribers; or (D) a facility of an electric  
131 company which is used solely for operating its electric company  
132 systems. "Community antenna television system" does not include a  
133 facility used by a certified competitive video service provider to  
134 provide video service;

135 (17) "Video programming" means programming provided by, or  
136 generally considered comparable to programming provided by, a  
137 television broadcast station;

138 (18) "Noncable communications service" means any  
139 telecommunications service, as defined in section 16-247a, and which is  
140 not included in the definition of "cable service" in the Communications

141 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall  
142 be construed to affect service which is both authorized and preempted  
143 pursuant to federal law;

144 (19) "Public service motor vehicle" includes all motor vehicles used  
145 for the transportation of passengers for hire;

146 (20) "Motor bus" includes any public service motor vehicle operated  
147 in whole or in part upon any street or highway, by indiscriminately  
148 receiving or discharging passengers, or operated on a regular route or  
149 over any portion thereof, or operated between fixed termini, and any  
150 public service motor vehicle operated over highways within this state  
151 between points outside this state or between points within this state  
152 and points outside this state;

153 (21) "Cogeneration technology" means the use for the generation of  
154 electricity of exhaust steam, waste steam, heat or resultant energy from  
155 an industrial, commercial or manufacturing plant or process, or the use  
156 of exhaust steam, waste steam or heat from a thermal power plant for  
157 an industrial, commercial or manufacturing plant or process, but shall  
158 not include steam or heat developed solely for electrical power  
159 generation;

160 (22) "Renewable fuel resources" means energy sources described in  
161 subdivisions (26) and (27) of this subsection;

162 (23) "Telephone company" means a telecommunications company  
163 that provides one or more noncompetitive or emerging competitive  
164 services, as defined in section 16-247a;

165 (24) "Domestic telephone company" includes any telephone  
166 company which has been chartered by or organized or constituted  
167 within or under the laws of this state;

168 (25) "Telecommunications company" means a person that provides  
169 telecommunications service, as defined in section 16-247a, within the  
170 state, but shall not mean a person that provides only (A) private

171 telecommunications service, as defined in section 16-247a, (B) the  
172 one-way transmission of video programming or other programming  
173 services to subscribers, (C) subscriber interaction, if any, which is  
174 required for the selection of such video programming or other  
175 programming services, (D) the two-way transmission of educational or  
176 instructional programming to a public or private elementary or  
177 secondary school, or a public or independent institution of higher  
178 education, as required by the department pursuant to a community  
179 antenna television company franchise agreement, or provided  
180 pursuant to a contract with such a school or institution which contract  
181 has been filed with the department, or (E) a combination of the services  
182 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

183 (26) "Class I renewable energy source" means (A) energy derived  
184 from solar power, wind power, a fuel cell, methane gas from landfills,  
185 ocean thermal power, wave or tidal power, low emission advanced  
186 renewable energy conversion technologies, a run-of-the-river  
187 hydropower facility provided such facility has a generating capacity of  
188 not more than five megawatts, does not cause an appreciable change in  
189 the river flow, and began operation after July 1, 2003, or a sustainable  
190 biomass facility with an average emission rate of equal to or less than  
191 .075 pounds of nitrogen oxides per million BTU of heat input for the  
192 previous calendar quarter, except that energy derived from a  
193 sustainable biomass facility with a capacity of less than five hundred  
194 kilowatts that began construction before July 1, 2003, may be  
195 considered a Class I renewable energy source, or (B) any electrical  
196 generation, including distributed generation, generated from a Class I  
197 renewable energy source;

198 (27) "Class II renewable energy source" means energy derived from  
199 a trash-to-energy facility, a biomass facility that began operation before  
200 July 1, 1998, provided the average emission rate for such facility is  
201 equal to or less than .2 pounds of nitrogen oxides per million BTU of  
202 heat input for the previous calendar quarter, or a run-of-the-river  
203 hydropower facility provided such facility has a generating capacity of

204 not more than five megawatts, does not cause an appreciable change in  
205 the riverflow, and began operation prior to July 1, 2003;

206 (28) "Electric distribution services" means the owning, leasing,  
207 maintaining, operating, managing or controlling of poles, wires,  
208 conduits or other fixtures along public highways or streets for the  
209 distribution of electricity, or electric distribution-related services;

210 (29) "Electric distribution company" or "distribution company"  
211 means any person providing electric transmission or distribution  
212 services within the state, including an electric company, subject to  
213 subparagraph (F) of this subdivision, but does not include: (A) A  
214 private power producer, as defined in section 16-243b; (B) a municipal  
215 electric utility established under chapter 101, other than a participating  
216 municipal electric utility; (C) a municipal electric energy cooperative  
217 established under chapter 101a; (D) an electric cooperative established  
218 under chapter 597; (E) any other electric utility owned, leased,  
219 maintained, operated, managed or controlled by any unit of local  
220 government under any general statute or special act; (F) after an  
221 electric company has been unbundled in accordance with the  
222 provisions of section 16-244e, a generation entity or affiliate of the  
223 former electric company; or (G) an electric supplier;

224 (30) "Electric supplier" means any person, including an electric  
225 aggregator or participating municipal electric utility that is licensed by  
226 the Public Utilities Regulatory Authority in accordance with section  
227 16-245, that provides electric generation services to end use customers  
228 in the state using the transmission or distribution facilities of an  
229 electric distribution company, regardless of whether or not such  
230 person takes title to such generation services, but does not include: (A)  
231 A municipal electric utility established under chapter 101, other than a  
232 participating municipal electric utility; (B) a municipal electric energy  
233 cooperative established under chapter 101a; (C) an electric cooperative  
234 established under chapter 597; (D) any other electric utility owned,  
235 leased, maintained, operated, managed or controlled by any unit of



236 local government under any general statute or special act; or (E) an  
237 electric distribution company in its provision of electric generation  
238 services in accordance with subsection (a) or, prior to January 1, 2004,  
239 subsection (c) of section 16-244c;

240 (31) "Electric aggregator" means (A) a person, municipality or  
241 regional water authority that gathers together electric customers for  
242 the purpose of negotiating the purchase of electric generation services  
243 from an electric supplier, or (B) the Connecticut Resources Recovery  
244 Authority, if it gathers together electric customers for the purpose of  
245 negotiating the purchase of electric generation services from an electric  
246 supplier, provided such person, municipality or authority is not  
247 engaged in the purchase or resale of electric generation services, and  
248 provided further such customers contract for electric generation  
249 services directly with an electric supplier, and may include an electric  
250 cooperative established pursuant to chapter 597;

251 (32) "Electric generation services" means electric energy, electric  
252 capacity or generation-related services;

253 (33) "Electric transmission services" means electric transmission or  
254 transmission-related services;

255 (34) "Generation entity or affiliate" means a corporate affiliate or, as  
256 provided in subdivision (3) of subsection (a) of section 16-244e, a  
257 separate division of an electric company after unbundling has occurred  
258 pursuant to section 16-244e, that provides electric generation services;

259 (35) "Participating municipal electric utility" means a municipal  
260 electric utility established under chapter 101 or any other electric  
261 utility owned, leased, maintained, operated, managed or controlled by  
262 any unit of local government under any general statute or any public  
263 or special act, that is authorized by the authority in accordance with  
264 section 16-245c to provide electric generation services to end use  
265 customers outside its service area, as defined in section 16-245c;

266 (36) "Person" means an individual, business, firm, corporation,  
267 association, joint stock association, trust, partnership or limited  
268 liability company;

269 (37) "Regional independent system operator" means the "ISO - New  
270 England, Inc.", or its successor organization as approved by the  
271 Federal Energy Regulatory Commission;

272 (38) "Certified telecommunications provider" means a person  
273 certified by the authority to provide intrastate telecommunications  
274 services, as defined in section 16-247a, pursuant to sections 16-247f to  
275 16-247h, inclusive;

276 (39) "Gas registrant" means a person registered to sell natural gas  
277 pursuant to section 16-258a;

278 (40) "Customer-side distributed resources" means (A) the generation  
279 of electricity from a unit with a rating of not more than sixty-five  
280 megawatts on the premises of a retail end user within the transmission  
281 and distribution system including, but not limited to, fuel cells,  
282 photovoltaic systems or small wind turbines, or (B) a reduction in the  
283 demand for electricity on the premises of a retail end user in the  
284 distribution system through methods of conservation and load  
285 management, including, but not limited to, peak reduction systems  
286 and demand response systems;

287 (41) "Federally mandated congestion charges" means any cost  
288 approved by the Federal Energy Regulatory Commission as part of  
289 New England Standard Market Design including, but not limited to,  
290 locational marginal pricing, locational installed capacity payments, any  
291 cost approved by the Public Utilities Regulatory Authority to reduce  
292 federally mandated congestion charges in accordance with section 7-  
293 233y, this section, sections 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-  
294 243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n and 16-  
295 245z, and section 21 of public act 05-1 of the June special session and  
296 reliability must run contracts;

297 (42) "Combined heat and power system" means a system that  
298 produces, from a single source, both electric power and thermal energy  
299 used in any process that results in an aggregate reduction in electricity  
300 use;

301 (43) "Grid-side distributed resources" means the generation of  
302 electricity from a unit with a rating of not more than sixty-five  
303 megawatts that is connected to the transmission or distribution system,  
304 which units may include, but are not limited to, units used primarily to  
305 generate electricity to meet peak demand;

306 (44) "Class III source" means the electricity output from combined  
307 heat and power systems with an operating efficiency level of no less  
308 than fifty per cent that are part of customer-side distributed resources  
309 developed at commercial and industrial facilities in this state on or  
310 after January 1, 2006, a waste heat recovery system installed on or after  
311 April 1, 2007, that produces electrical or thermal energy by capturing  
312 preexisting waste heat or pressure from industrial or commercial  
313 processes, or the electricity savings created in this state from  
314 conservation and load management programs begun on or after  
315 January 1, 2006;

316 (45) "Sustainable biomass" means biomass that is cultivated and  
317 harvested in a sustainable manner. "Sustainable biomass" does not  
318 mean construction and demolition waste, as defined in section 22a-  
319 208x, finished biomass products from sawmills, paper mills or stud  
320 mills, organic refuse fuel derived separately from municipal solid  
321 waste, or biomass from old growth timber stands, except where (A)  
322 such biomass is used in a biomass gasification plant that received  
323 funding prior to May 1, 2006, from the Clean Energy Fund established  
324 pursuant to section 16-245n, or (B) the energy derived from such  
325 biomass is subject to a long-term power purchase contract pursuant to  
326 subdivision (2) of subsection (j) of section 16-244c entered into prior to  
327 May 1, 2006, (C) such biomass is used in a renewable energy facility  
328 that is certified as a Class I renewable energy source by the authority

329 until such time as the authority certifies that any biomass gasification  
330 plant, as defined in subparagraph (A) of this subdivision, is  
331 operational and accepting such biomass, in an amount not to exceed  
332 one hundred forty thousand tons annually, is used in a renewable  
333 energy facility that was certified as a Class I renewable energy source  
334 by the authority prior to December 31, 2007, and uses biomass,  
335 including construction and demolition waste as defined in section 22a-  
336 208x, from a Connecticut-sited transfer station and volume-reduction  
337 facility that generated biomass during calendar year 2007 that was  
338 used during calendar year 2007 to generate Class I renewable energy  
339 certificates, or (D) in the event there is no facility as described in  
340 subparagraph (A) or (C) of this subdivision accepting such biomass, in  
341 an amount not to exceed one hundred forty thousand tons annually, is  
342 used in one or more other renewable energy facilities certified either as  
343 a Class I or Class II renewable energy source by the authority,  
344 provided such facilities use biomass, including construction and  
345 demolition waste as defined in said section 22a-208x, from a  
346 Connecticut-sited transfer station and volume-reduction facility that  
347 generated biomass during calendar year 2007 that was used during  
348 calendar year 2007 to generate Class I renewable energy certificates.  
349 Notwithstanding the provisions of subparagraphs (C) and (D) of this  
350 subdivision, the amount of biomass specified in said subparagraphs  
351 shall not apply to a biomass gasification plant, as defined in  
352 subparagraph (A) of this subdivision;

353 (46) "Video service" means video programming services provided  
354 through wireline facilities, a portion of which are located in the public  
355 right-of-way, without regard to delivery technology, including Internet  
356 protocol technology. "Video service" does not include any video  
357 programming provided by a commercial mobile service provider, as  
358 defined in 47 USC 332(d), any video programming provided as part of  
359 community antenna television service in a franchise area as of October  
360 1, 2007, any video programming provided as part of and via a service  
361 that enables users to access content, information, electronic mail or  
362 other services over the public Internet;

363 (47) "Certified competitive video service provider" means an entity  
364 providing video service pursuant to a certificate of video franchise  
365 authority issued by the authority in accordance with section 16-331e.  
366 "Certified competitive video service provider" does not mean an entity  
367 issued a certificate of public convenience and necessity in accordance  
368 with section 16-331 or the affiliates, successors and assigns of such  
369 entity or an entity issued a certificate of cable franchise authority in  
370 accordance with section 16-331p or the affiliates, successors and  
371 assignees of such entity;

372 (48) "Certificate of video franchise authority" means an  
373 authorization issued by the Public Utilities Regulatory Authority  
374 conferring the right to an entity or person to own, lease, maintain,  
375 operate, manage or control facilities in, under or over any public  
376 highway to offer video service to any subscribers in the state;

377 (49) "Certificate of cable franchise authority" means an authorization  
378 issued by the Public Utilities Regulatory Authority pursuant to section  
379 16-331q conferring the right to a community antenna television  
380 company to own, lease, maintain, operate, manage or control a  
381 community antenna television system in, under or over any public  
382 highway to (A) offer community antenna television service in a  
383 community antenna television company's designated franchise area, or  
384 (B) use the public rights-of-way to offer video service in a designated  
385 franchise area. The certificate of cable franchise authority shall be  
386 issued as an alternative to a certificate of public convenience and  
387 necessity pursuant to section 16-331 and shall only be available to a  
388 community antenna television company under the terms specified in  
389 sections 16-331q to 16-331aa, inclusive;

390 (50) "Thermal energy transportation company" means any person  
391 authorized under any provision of the general statutes or special act to  
392 furnish heat or air conditioning or both, by means of steam, heated or  
393 chilled water or other medium, to lay and maintain mains, pipes or  
394 other conduits, and to erect such other fixtures necessary or convenient

395 in and on the streets, highways and public grounds of any  
396 municipality to carry steam, heated or chilled water or other medium  
397 from such plant to the location to be served and to return the same;

398 (51) "The Connecticut Television Network" means the General  
399 Assembly's state-wide twenty-four-hour state public affairs  
400 programming service, separate and distinct from community access  
401 channels; and

402 (52) "Commissioner of Energy and Environmental Protection"  
403 means the Commissioner of Energy and Environmental Protection  
404 appointed pursuant to title 4.]

405 (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a  
406 and 245b shall be construed as follows, unless another meaning is  
407 expressed or is clearly apparent from the language or context:

408 (1) "Authority" means the Public Utilities Regulatory Authority;

409 (2) "Certificate of cable franchise authority" means an authorization  
410 issued by the Public Utilities Regulatory Authority pursuant to section  
411 16-331q conferring the right to a community antenna television  
412 company to own, lease, maintain, operate, manage or control a  
413 community antenna television system in, under or over any public  
414 highway to (A) offer community antenna television service in a  
415 community antenna television company's designated franchise area, or  
416 (B) use the public rights-of-way to offer video service in a designated  
417 franchise area. The certificate of cable franchise authority shall be  
418 issued as an alternative to a certificate of public convenience and  
419 necessity pursuant to section 16-331 and shall only be available to a  
420 community antenna television company under the terms specified in  
421 sections 16-331q to 16-331aa, inclusive;

422 (3) "Certificate of video franchise authority" means an authorization  
423 issued by the Public Utilities Regulatory Authority conferring the right  
424 to an entity or person to own, lease, maintain, operate, manage or

425 control facilities in, under or over any public highway to offer video  
426 service to any subscribers in the state;

427 (4) "Certified competitive video service provider" means an entity  
428 providing video service pursuant to a certificate of video franchise  
429 authority issued by the authority in accordance with section 16-331e.  
430 "Certified competitive video service provider" does not mean an entity  
431 issued a certificate of public convenience and necessity in accordance  
432 with section 16-331 or the affiliates, successors and assigns of such  
433 entity or an entity issued a certificate of cable franchise authority in  
434 accordance with section 16-331p or the affiliates, successors and  
435 assignees of such entity;

436 (5) "Certified telecommunications provider" means a person  
437 certified by the authority to provide intrastate telecommunications  
438 services, as defined in section 16-247a, pursuant to sections 16-247f to  
439 16-247h, inclusive;

440 (6) "Class I renewable energy source" means (A) energy derived  
441 from solar power, wind power, a fuel cell, methane gas from landfills,  
442 ocean thermal power, wave or tidal power, low emission advanced  
443 renewable energy conversion technologies, a run-of-the-river  
444 hydropower facility provided such facility has a generating capacity of  
445 not more than five megawatts, does not cause an appreciable change in  
446 the river flow, and began operation after July 1, 2003, or a sustainable  
447 biomass facility with an average emission rate of equal to or less than  
448 .075 pounds of nitrogen oxides per million BTU of heat input for the  
449 previous calendar quarter, except that energy derived from a  
450 sustainable biomass facility with a capacity of less than five hundred  
451 kilowatts that began construction before July 1, 2003, may be  
452 considered a Class I renewable energy source, or (B) any electrical  
453 generation, including distributed generation, generated from a Class I  
454 renewable energy source;

455 (7) "Class II renewable energy source" means energy derived from a  
456 trash-to-energy facility, a biomass facility that began operation before

457 July 1, 1998, provided the average emission rate for such facility is  
458 equal to or less than .2 pounds of nitrogen oxides per million BTU of  
459 heat input for the previous calendar quarter, or a run-of-the-river  
460 hydropower facility provided such facility has a generating capacity of  
461 not more than five megawatts, does not cause an appreciable change in  
462 the riverflow, and began operation prior to July 1, 2003;

463 (8) "Class III source" means the electricity output from combined  
464 heat and power systems with an operating efficiency level of no less  
465 than fifty per cent that are part of customer-side distributed resources  
466 developed at commercial and industrial facilities in this state on or  
467 after January 1, 2006, a waste heat recovery system installed on or after  
468 April 1, 2007, that produces electrical or thermal energy by capturing  
469 preexisting waste heat or pressure from industrial or commercial  
470 processes, or the electricity savings created in this state from  
471 conservation and load management programs begun on or after  
472 January 1, 2006;

473 (9) "Cogeneration technology" means the use for the generation of  
474 electricity of exhaust steam, waste steam, heat or resultant energy from  
475 an industrial, commercial or manufacturing plant or process, or the use  
476 of exhaust steam, waste steam or heat from a thermal power plant for  
477 an industrial, commercial or manufacturing plant or process, but shall  
478 not include steam or heat developed solely for electrical power  
479 generation;

480 (10) "Combined heat and power system" means a system that  
481 produces, from a single source, both electric power and thermal energy  
482 used in any process that results in an aggregate reduction in electricity  
483 use;

484 (11) "Commissioner of Energy and Environmental Protection"  
485 means the Commissioner of Energy and Environmental Protection  
486 appointed pursuant to title 4;

487 (12) "Commissioner of Transportation" means the Commissioner of



488 Transportation appointed under section 13b-3;

489 (13) "Community antenna television company" includes every  
490 person owning, leasing, maintaining, operating, managing or  
491 controlling a community antenna television system, in, under or over  
492 any public street or highway, for the purpose of providing community  
493 antenna television service for hire and shall include any municipality  
494 which owns or operates one or more plants for the manufacture or  
495 distribution of electricity pursuant to section 7-213 or any special act  
496 and seeks to obtain or obtains a certificate of public convenience and  
497 necessity to construct or operate a community antenna television  
498 system pursuant to section 16-331 or a certificate of cable franchise  
499 authority pursuant to section 16-331q. "Community antenna television  
500 company" does not include a certified competitive video service  
501 provider;

502 (14) "Community antenna television service" means (A) the one-way  
503 transmission to subscribers of video programming or information that  
504 a community antenna television company makes available to all  
505 subscribers generally, and subscriber interaction, if any, which is  
506 required for the selection of such video programming or information,  
507 and (B) noncable communications service. "Community antenna  
508 television service" does not include video service provided by a  
509 certified competitive video service provider;

510 (15) "Community antenna television system" means a facility,  
511 consisting of a set of closed transmission paths and associated signal  
512 generation, reception and control equipment that is designed to  
513 provide community antenna television service which includes video  
514 programming and which is provided in, under or over any public  
515 street or highway, for hire, to multiple subscribers within a franchise,  
516 but such term does not include (A) a facility that serves only to  
517 retransmit the television signals of one or more television broadcast  
518 stations; (B) a facility that serves only subscribers in one or more  
519 multiple unit dwellings under common ownership, control or

520 management, unless such facility is located in, under or over a public  
521 street or highway; (C) a facility of a common carrier which is subject, in  
522 whole or in part, to the provisions of Subchapter II of Chapter 5 of the  
523 Communications Act of 1934, 47 USC 201 et seq., as amended, except  
524 that such facility shall be considered a community antenna television  
525 system and the carrier shall be considered a public service company to  
526 the extent such facility is used in the transmission of video  
527 programming directly to subscribers; or (D) a facility of an electric  
528 company which is used solely for operating its electric company  
529 systems. "Community antenna television system" does not include a  
530 facility used by a certified competitive video service provider to  
531 provide video service;

532 (16) "Consumer" means any private dwelling, boardinghouse,  
533 apartment, store, office building, institution, mechanical or  
534 manufacturing establishment or other place of business or industry to  
535 which water is supplied by a water company;

536 (17) "Customer-side distributed resources" means (A) the generation  
537 of electricity from a unit with a rating of not more than sixty-five  
538 megawatts on the premises of a retail end user within the transmission  
539 and distribution system including, but not limited to, fuel cells,  
540 photovoltaic systems or small wind turbines, or (B) a reduction in the  
541 demand for electricity on the premises of a retail end user in the  
542 distribution system through methods of conservation and load  
543 management, including, but not limited to, peak reduction systems  
544 and demand response systems;

545 (18) "Department" means the Department of Energy and  
546 Environmental Protection;

547 (19) "Director" means a member of the Public Utilities Regulatory  
548 Authority;

549 (20) "Domestic telephone company" includes any telephone  
550 company which has been chartered by or organized or constituted

551 within or under the laws of this state;

552 (21) "Electric aggregator" means (A) a person, municipality or  
553 regional water authority that gathers together electric customers for  
554 the purpose of negotiating the purchase of electric generation services  
555 from an electric supplier, or (B) the Connecticut Resources Recovery  
556 Authority, if it gathers together electric customers for the purpose of  
557 negotiating the purchase of electric generation services from an electric  
558 supplier, provided such person, municipality or authority is not  
559 engaged in the purchase or resale of electric generation services, and  
560 provided further such customers contract for electric generation  
561 services directly with an electric supplier, and may include an electric  
562 cooperative established pursuant to chapter 597;

563 (22) "Electric company" includes, until an electric company has been  
564 unbundled in accordance with the provisions of section 16-244e, every  
565 person owning, leasing, maintaining, operating, managing or  
566 controlling poles, wires, conduits or other fixtures, along public  
567 highways or streets, for the transmission or distribution of electric  
568 current for sale for light, heat or power within this state, or engaged in  
569 generating electricity to be so transmitted or distributed for such  
570 purpose, but shall not include (A) a private power producer, as  
571 defined in section 16-243b, (B) an exempt wholesale generator, as  
572 defined in 15 USC 79z-5a, (C) a municipal electric utility established  
573 under chapter 101, (D) a municipal electric energy cooperative  
574 established under chapter 101a, (E) an electric cooperative established  
575 under chapter 597, or (F) any other electric utility owned, leased,  
576 maintained, operated, managed or controlled by any unit of local  
577 government under any general statute or any public or special act;

578 (23) "Electric distribution company" or "distribution company"  
579 means any person providing electric transmission or distribution  
580 services within the state, including an electric company, subject to  
581 subparagraph (F) of this subdivision, but does not include: (A) A  
582 private power producer, as defined in section 16-243b; (B) a municipal

583 electric utility established under chapter 101, other than a participating  
584 municipal electric utility; (C) a municipal electric energy cooperative  
585 established under chapter 101a; (D) an electric cooperative established  
586 under chapter 597; (E) any other electric utility owned, leased,  
587 maintained, operated, managed or controlled by any unit of local  
588 government under any general statute or special act; (F) after an  
589 electric company has been unbundled in accordance with the  
590 provisions of section 16-244e, a generation entity or affiliate of the  
591 former electric company; or (G) an electric supplier;

592 (24) "Electric distribution services" means the owning, leasing,  
593 maintaining, operating, managing or controlling of poles, wires,  
594 conduits or other fixtures along public highways or streets for the  
595 distribution of electricity, or electric distribution-related services;

596 (25) "Electric generation services" means electric energy, electric  
597 capacity or generation-related services;

598 (26) "Electric supplier" means any person, including an electric  
599 aggregator or participating municipal electric utility that is licensed by  
600 the Public Utilities Regulatory Authority in accordance with section  
601 16-245, that provides electric generation services to end use customers  
602 in the state using the transmission or distribution facilities of an  
603 electric distribution company, regardless of whether or not such  
604 person takes title to such generation services, but does not include: (A)  
605 A municipal electric utility established under chapter 101, other than a  
606 participating municipal electric utility; (B) a municipal electric energy  
607 cooperative established under chapter 101a; (C) an electric cooperative  
608 established under chapter 597; (D) any other electric utility owned,  
609 leased, maintained, operated, managed or controlled by any unit of  
610 local government under any general statute or special act; or (E) an  
611 electric distribution company in its provision of electric generation  
612 services in accordance with subsection (a) or, prior to January 1, 2004,  
613 subsection (c) of section 16-244c;

614 (27) "Electric transmission services" means electric transmission or

615 transmission-related services;

616 (28) "Federally mandated congestion charges" means any cost  
617 approved by the Federal Energy Regulatory Commission as part of  
618 New England Standard Market Design including, but not limited to,  
619 locational marginal pricing, locational installed capacity payments, any  
620 cost approved by the Public Utilities Regulatory Authority to reduce  
621 federally mandated congestion charges in accordance with section 7-  
622 233y, this section, sections 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-  
623 243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n and 16-  
624 245z, and section 21 of public act 05-1 of the June special session and  
625 reliability must run contracts;

626 (29) "Gas company" includes every person owning, leasing,  
627 maintaining, operating, managing or controlling mains, pipes or other  
628 fixtures, in public highways or streets, for the transmission or  
629 distribution of gas for sale for heat or power within this state, or  
630 engaged in the manufacture of gas to be so transmitted or distributed  
631 for such purpose, but shall not include a person manufacturing gas  
632 through the use of a biomass gasification plant provided such person  
633 does not own, lease, maintain, operate, manage or control mains, pipes  
634 or other fixtures in public highways or streets, a municipal gas utility  
635 established under chapter 101 or any other gas utility owned, leased,  
636 maintained, operated, managed or controlled by any unit of local  
637 government under any general statute or any public or special act;

638 (30) "Gas registrant" means a person registered to sell natural gas  
639 pursuant to section 16-258a;

640 (31) "Generation entity or affiliate" means a corporate affiliate or, as  
641 provided in subdivision (3) of subsection (a) of section 16-244e, a  
642 separate division of an electric company after unbundling has occurred  
643 pursuant to section 16-244e, that provides electric generation services;

644 (32) "Grid-side distributed resources" means the generation of  
645 electricity from a unit with a rating of not more than sixty-five

646 megawatts that is connected to the transmission or distribution system,  
647 which units may include, but are not limited to, units used primarily to  
648 generate electricity to meet peak demand;

649 (33) "Motor bus" includes any public service motor vehicle operated  
650 in whole or in part upon any street or highway, by indiscriminately  
651 receiving or discharging passengers, or operated on a regular route or  
652 over any portion thereof, or operated between fixed termini, and any  
653 public service motor vehicle operated over highways within this state  
654 between points outside this state or between points within this state  
655 and points outside this state;

656 (34) "Noncable communications service" means any  
657 telecommunications service, as defined in section 16-247a, and which is  
658 not included in the definition of "cable service" in the Communications  
659 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall  
660 be construed to affect service which is both authorized and preempted  
661 pursuant to federal law;

662 (35) "Participating municipal electric utility" means a municipal  
663 electric utility established under chapter 101 or any other electric  
664 utility owned, leased, maintained, operated, managed or controlled by  
665 any unit of local government under any general statute or any public  
666 or special act, that is authorized by the authority in accordance with  
667 section 16-245c to provide electric generation services to end use  
668 customers outside its service area, as defined in section 16-245c;

669 (36) "Person" means an individual, business, firm, corporation,  
670 association, joint stock association, trust, partnership or limited  
671 liability company;

672 (37) "Pipeline company" includes every person owning, leasing,  
673 maintaining, operating, managing or controlling mains, pipes or other  
674 fixtures through, over, across or under any public land, water,  
675 parkways, highways, parks or public grounds for the transportation,  
676 transmission or distribution of petroleum products for hire within this

677 state;

678 (38) "Plant" includes all real estate, buildings, tracks, pipes, mains,  
679 poles, wires and other fixed or stationary construction and equipment,  
680 wherever located, used in the conduct of the business of the company;

681 (39) "Public service company" includes electric, electric distribution,  
682 gas, telephone, telegraph, pipeline, sewage, water and community  
683 antenna television companies and holders of a certificate of cable  
684 franchise authority, owning, leasing, maintaining, operating,  
685 managing or controlling plants or parts of plants or equipment, and all  
686 express companies having special privileges on railroads within this  
687 state, but shall not include telegraph company functions concerning  
688 intrastate money order service, towns, cities, boroughs, any municipal  
689 corporation or department thereof, whether separately incorporated or  
690 not, a private power producer, as defined in section 16-243b, or an  
691 exempt wholesale generator, as defined in 15 USC 79z-5a;

692 (40) "Public service motor vehicle" includes all motor vehicles used  
693 for the transportation of passengers for hire;

694 (41) "Railroad company" includes every person owning, leasing,  
695 maintaining, operating, managing or controlling any railroad, or any  
696 cars or other equipment employed thereon or in connection therewith,  
697 for public or general use within this state;

698 (42) "Regional independent system operator" means the "ISO - New  
699 England, Inc.", or its successor organization as approved by the  
700 Federal Energy Regulatory Commission;

701 (43) "Renewable fuel resources" means energy sources described in  
702 subdivisions (6) and (7) of this subsection;

703 (44) "Sewage company" includes every person owning, leasing,  
704 maintaining, operating, managing or controlling, for general use in any  
705 town, city or borough, or portion thereof, in this state, sewage disposal  
706 facilities which discharge treated effluent into any waterway of this

707 state;

708 (45) "Street railway company" includes every person owning,  
709 leasing, maintaining, operating, managing or controlling any street  
710 railway, or any cars or other equipment employed thereon or in  
711 connection therewith, for public or general use within this state;

712 (46) "Sustainable biomass" means biomass that is cultivated and  
713 harvested in a sustainable manner. "Sustainable biomass" does not  
714 mean construction and demolition waste, as defined in section 22a-  
715 208x, finished biomass products from sawmills, paper mills or stud  
716 mills, organic refuse fuel derived separately from municipal solid  
717 waste, or biomass from old growth timber stands, except where (A)  
718 such biomass is used in a biomass gasification plant that received  
719 funding prior to May 1, 2006, from the Clean Energy Fund established  
720 pursuant to section 16-245n, or (B) the energy derived from such  
721 biomass is subject to a long-term power purchase contract pursuant to  
722 subdivision (2) of subsection (j) of section 16-244c entered into prior to  
723 May 1, 2006, (C) such biomass is used in a renewable energy facility  
724 that is certified as a Class I renewable energy source by the authority  
725 until such time as the authority certifies that any biomass gasification  
726 plant, as defined in subparagraph (A) of this subdivision, is  
727 operational and accepting such biomass, in an amount not to exceed  
728 one hundred forty thousand tons annually, is used in a renewable  
729 energy facility that was certified as a Class I renewable energy source  
730 by the authority prior to December 31, 2007, and uses biomass,  
731 including construction and demolition waste as defined in section 22a-  
732 208x, from a Connecticut-sited transfer station and volume-reduction  
733 facility that generated biomass during calendar year 2007 that was  
734 used during calendar year 2007 to generate Class I renewable energy  
735 certificates, or (D) in the event there is no facility as described in  
736 subparagraph (A) or (C) of this subdivision accepting such biomass, in  
737 an amount not to exceed one hundred forty thousand tons annually, is  
738 used in one or more other renewable energy facilities certified either as  
739 a Class I or Class II renewable energy source by the authority,



740 provided such facilities use biomass, including construction and  
741 demolition waste as defined in said section 22a-208x, from a  
742 Connecticut-sited transfer station and volume-reduction facility that  
743 generated biomass during calendar year 2007 that was used during  
744 calendar year 2007 to generate Class I renewable energy certificates.  
745 Notwithstanding the provisions of subparagraphs (C) and (D) of this  
746 subdivision, the amount of biomass specified in said subparagraphs  
747 shall not apply to a biomass gasification plant, as defined in  
748 subparagraph (A) of this subdivision;

749 (47) "Telecommunications company" means a person that provides  
750 telecommunications service, as defined in section 16-247a, within the  
751 state, but shall not mean a person that provides only (A) private  
752 telecommunications service, as defined in section 16-247a, (B) the  
753 one-way transmission of video programming or other programming  
754 services to subscribers, (C) subscriber interaction, if any, which is  
755 required for the selection of such video programming or other  
756 programming services, (D) the two-way transmission of educational or  
757 instructional programming to a public or private elementary or  
758 secondary school, or a public or independent institution of higher  
759 education, as required by the department pursuant to a community  
760 antenna television company franchise agreement, or provided  
761 pursuant to a contract with such a school or institution which contract  
762 has been filed with the department, or (E) a combination of the services  
763 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

764 (48) "Telephone company" means a telecommunications company  
765 that provides one or more noncompetitive or emerging competitive  
766 services, as defined in section 16-247a;

767 (49) "The Connecticut Television Network" means the General  
768 Assembly's state-wide twenty-four-hour state public affairs  
769 programming service, separate and distinct from community access  
770 channels;

771 (50) "Thermal energy transportation company" means any person

772 authorized under any provision of the general statutes or special act to  
773 furnish heat or air conditioning or both, by means of steam, heated or  
774 chilled water or other medium, to lay and maintain mains, pipes or  
775 other conduits, and to erect such other fixtures necessary or convenient  
776 in and on the streets, highways and public grounds of any  
777 municipality to carry steam, heated or chilled water or other medium  
778 from such plant to the location to be served and to return the same;

779 (51) "Video programming" means programming provided by, or  
780 generally considered comparable to programming provided by, a  
781 television broadcast station;

782 (52) "Video service" means video programming services provided  
783 through wireline facilities, a portion of which are located in the public  
784 right-of-way, without regard to delivery technology, including Internet  
785 protocol technology. "Video service" does not include any video  
786 programming provided by a commercial mobile service provider, as  
787 defined in 47 USC 332(d), any video programming provided as part of  
788 community antenna television service in a franchise area as of October  
789 1, 2007, any video programming provided as part of and via a service  
790 that enables users to access content, information, electronic mail or  
791 other services over the public Internet; and

792 (53) "Water company" includes every person owning, leasing,  
793 maintaining, operating, managing or controlling any pond, lake,  
794 reservoir, stream, well or distributing plant or system employed for  
795 the purpose of supplying water to fifty or more consumers. A water  
796 company does not include homeowners, condominium associations  
797 providing water only to their members, homeowners associations  
798 providing water to customers at least eighty per cent of whom are  
799 members of such associations, a municipal waterworks system  
800 established under chapter 102, a district, metropolitan district,  
801 municipal district or special services district established under chapter  
802 105, chapter 105a or any other general statute or any public or special  
803 act which is authorized to supply water, or any other waterworks

804 system owned, leased, maintained, operated, managed or controlled  
805 by any unit of local government under any general statute or any  
806 public or special act.

807       Sec. 2. Subdivision (57) of section 12-81 of the 2012 supplement to  
808 the general statutes is repealed and the following is substituted in lieu  
809 thereof (*Effective from passage*):

810       (57) (a) Any Class I renewable energy source, as defined in section  
811 16-1, as amended by this act, or any hydropower facility described in  
812 subdivision [(27)] (7) of subsection (a) of section 16-1, as amended by  
813 this act, installed for the generation of electricity for private residential  
814 use or on a farm, as defined in subsection (q) of section 1-1, provided  
815 such installation occurs on or after October 1, 2007, and further  
816 provided such installation is for a single family dwelling, multifamily  
817 dwelling consisting of two to four units or a farm, or any passive or  
818 active solar water or space heating system or geothermal energy  
819 resource;

820       Sec. 3. Subsection (e) of section 12-268s of the 2012 supplement to  
821 the general statutes is repealed and the following is substituted in lieu  
822 thereof (*Effective from passage*):

823       (e) The tax imposed by this section shall not apply to any net  
824 kilowatt hours of electricity generated at (1) an electric generation  
825 facility in this state exclusively through the use of fuel cells or an  
826 alternative energy system, (2) a resources recovery facility, as defined  
827 in section 22a-260, or (3) customer-side distributed resources, as  
828 defined in [subdivision (40) of] subsection (a) of section 16-1, as  
829 amended by this act.

830       Sec. 4. Section 13a-126c of the general statutes is repealed and the  
831 following is substituted in lieu thereof (*Effective from passage*):

832       Notwithstanding any provision of the general statutes, the  
833 Commissioner of Transportation may enter into an agreement with the

834 owner or operator of a public service facility, as defined in section 13a-  
 835 126, desiring the longitudinal use of the right-of-way of a state  
 836 highway to accommodate trunkline or transmission-type utility  
 837 facilities and to fix the terms, conditions and rates and charges for use  
 838 of such right-of-way; provided, no such agreement shall exempt a  
 839 public service facility from the provisions of chapter 277a. In the case  
 840 of public service companies, as defined in [subdivision (1) of]  
 841 subsection (a) of section 16-1, as amended by this act, such charges or  
 842 rates shall not exceed the actual administrative, construction, operation  
 843 and maintenance costs of the department incurred as a result of the  
 844 public service company's use of a nonlimited access state highway. The  
 845 department may estimate such charges or rates and require  
 846 prepayment of such charges or rates, provided any amount in excess of  
 847 the actual amount shall be refunded to the public service company.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-1(a)
Sec. 2	<i>from passage</i>	12-81(57)
Sec. 3	<i>from passage</i>	12-268s(e)
Sec. 4	<i>from passage</i>	13a-126c

***Statement of Purpose:***

To alphabetize the terms in section 16-1 of the general statutes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*